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1030 15th Street NW  
Washington, DC 20005

In re Application of CURRY et al.

Application No.: 09/673,473

PCT No.: PCT/CA99/00311

Int. Filing Date: 19 April 1999

Priority Date: 17 April 1998

Attorney Docket No.: 24406

For: CUBANE DERIVATIVES AS METABOLIC  
GLUTAMATE RECEPTOR ANTAGONISTS  
AND PROCESS FOR THEIR PREPARATION

DECISION ON REQUEST

This is a decision on applicant's "Request for Corrected Official Filing Receipt" filed in the United States Patent and Trademark Office (USPTO) on 20 April 2001. The request is **GRANTED** for the following reasons.

On 19 April 1999, applicant filed international application No. PCT/CA99/00311, which claimed a priority date of 17 April 1998 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 October 1999.

On 17 November 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or on 17 October 2000.

Applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and unexecuted declaration, which the United States Designated/Elected Office (DO/EO/US) accorded a filing date of 16 October 2000.

On 30 October 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) and Notification of a Defective Oath or Declaration indicating that an oath or declaration executed by the inventors and the \$130 surcharge for filing the oath or declaration after the thirty month period was required.

On 29 November 2000, applicants filed an executed declaration along with the surcharge for a small entity, completing the filing requirements for international application entering National Stage in the U.S. under 35 U.S.C. 371.

On 08 December 2000, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) which indicated a date under 35 U.S.C. 371 of 29 November 2000. However, the USPTO mailed an official filing receipt which indicated a "filing date" of 29 December 2000.

On 20 April 2001, applicants filed the instant request to correct the filing receipt including a marked-up copy of the official filing receipt.

### DISCUSSION

On 20 April 2001, applicant filed the request to correct the filing receipt including a copy of the official filing receipt indicating the correction of the filing date from "12/29/00" to "11/29/00".

The date in the filing date portion on the filing receipt of a national stage application is the date upon which applicants complete the requirements under 35 U.S.C. 371(c). (See A. FILING DATE AS APPLICANT'S DATE OF INVENTION, MPEP §1895.01, page 1800-153).

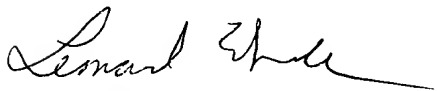
A review of the application file indicates that the executed declaration and surcharge for filing the declaration after the thirty month period was filed on 29 November 2001 completing the requirements under 35 U.S.C. 371(c). The United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) which indicated a date under 35 U.S.C. 371 of 29 November 2000.

### CONCLUSION

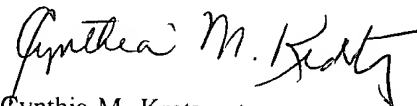
Applicants' request for the issuance of a corrected filing receipt indicating a "Filing Date" of 29 November 2000 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a corrected Filing Receipt in accordance with this decision, which identifies the filing date as "11/29/00".

This application will then be returned to Art Unit 1626 for examination in due course.



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